

Dear Commissioners:

Thank you for taking comment on the proposed rules. I would begin by quoting from the Commission's own ruling in 2007: "In both the cable and wireline contexts, the Commission focused on **the end-user's experience** in defining cable modem and wireline broadband Internet access service. The Supreme Court upheld this approach in *Brand X*."

The *Brand X* holding was discussed in point 12 of the NPRM without reference to the end-user centered standard that the FCC then chose to adopt, nor does this NPRM discuss why the FCC has now chosen to abandon that view in favor of an data provider-centered view. Between the Commission's 2015 ruling and now, comparatively little has changed for the end-user. There is no pressing need for the Commission to revisit this issue of reclassification that it has so extensively visited only a few years ago. Indeed, the very issuance of this NPRM has already jeopardized a hard-won climate of regulatory certainty and has undermined the FCC's administrative consistency.

I am writing as a private citizen today, and I am confident that I join many other Americans in appreciating the Commissions' adoption and use of an end-user-centered framework. A faithful re-evaluation of the situation under the same framework will continue to safeguard the public interest.

Data is not used in 2017 the way it was used in 2002, when cable modem service was first classified as an interstate information service, including no separate offering of any telecommunications service. The end-user distinctions between these two categories were already beginning to break down by 2007, when the Commission decided to classify wireless broadband services as information services, and had fully broken down by 2014.

Even in 2000, the idea of video-calling your friends and family on a casual basis was an idea that belonged to "the future". That future has arrived. Nowadays, VoIP and video chat content regularly pass over broadband connections. Consequently, telecommunication services and information services are no longer fundamentally distinct to the grand majority of American end-users, and to an entire generation of young professionals like myself. It is now common for young couples engaging in long-distance relationships, as well as close professional contacts that collaborate across the nation, or even across national boundaries, to regularly video-call their contacts for hours each week instead of calling each other on the phone. When "information services" are fully substituting for more traditional "telecommunications services", they deserve to be regulated as closely as their predecessors.

In this vein, please consider how in the 1996 Telecommunications Act, Congress envisioned and defined "universal service" as:

"an evolving level of telecommunications services that the Commission shall establish periodically under this section, taking into account advances in telecommunications and information technologies and services [...] consider[ing the] extent to which such telecommunications services--  
` (A) are essential to education, public health, or public safety;  
` (B) have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers;  
` (C) are being deployed in public telecommunications networks by telecommunications carriers;  
and  
` (D) are consistent with the public interest, convenience, and necessity."

The telecommunications functions of information services should be recognized as part of universal service, as have unblocked, unthrottled access to Netflix and Twitter, as well as the emerging trade in high-bandwidth cloud computing data services without paid prioritization.

The statute then goes on to read:

“Every telecommunications carrier that provides interstate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service.”

Because the idea of universal service was not examined in this NPRM, it is unsurprising that the Commission is now considering rescinding the bright-line regulations against blocking, throttling, and paid prioritization. These regulations were implemented and should be retained because the banned practices each represent a significant deterioration in the quality of universal service that has already been achieved by the U.S. telecom industry. Rescinding the bright-line regulations and allowing providers to explore ways of segmenting the market for what has become *de facto* universal service contravenes Congressional intent to preserve and advance the standard of universal service.

Furthermore, because telecommunications between people have migrated so extensively onto information services platforms, to differentiate between data used to provide telecommunications services and data used to provide other information services nowadays is to discriminate on the basis of content, and I would remind the Commissioners that the FCC's authority to regulate content is very carefully and narrowly defined. Bandwidth should be neutral to all lawful content. For the FCC to determine otherwise exceeds its authority, and would substantively infringe upon citizens' First and Fourth Amendment rights.

In summary, I encourage the FCC to uphold the rights and interests of American end-users and continue to classify cable, wireline, wireless, and BPL broadband services as telecommunication services. Please also consider re-defining universal service to include its currently unblocked, unthrottled, and unprioritized nature. In this era characterized by end-users' widespread use of broadband information services for telecommunication purposes, it would be arbitrary and capricious for the FCC to degrade universal service on mere speculation of potentially increased investment, and with it, maintain against the public interest a deregulated framework appropriate only for the exploratory phases of broadband deployment.

I hope you find this perspective helpful. Thank you again for your service.

Sincerely,

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